

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201904397	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/27/2018 5:18 PM	Location of Incident: [REDACTED]	Precinct: 123	18 Mo. SOL 5/27/2020	EO SOL 1/11/2021	
Date/Time CV Reported Tue, 05/14/2019 2:22 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/21/2019 11:06 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mathew Reich	00122	933211	NARCBSI
2. SGT Daniel Quinn	00981	942391	NARCBSI
3. DT3 Stephen Napolitano	3898	948100	NARCBSI

Officer(s)	Allegation	Investigator Recommendation
A.SGT Daniel Quinn	Abuse: Sergeant Daniel Quinn stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
B.DT3 Stephen Napolitano	Abuse: Detective Stephen Napolitano questioned § 87(2)(b)	[REDACTED]
C.DT3 Mathew Reich	Abuse: Detective Mathew Reich searched the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
D.DT3 Mathew Reich	Abuse: Detective Mathew Reich frisked § 87(2)(b)	[REDACTED]
E.DT3 Mathew Reich	Abuse: Detective Mathew Reich searched § 87(2)(b)	[REDACTED]
F.DT3 Mathew Reich	Abuse: Detective Mathew Reich failed to provide § 87(2)(b) with a business card.	[REDACTED]
G.DT3 Stephen Napolitano	Abuse: Detective Stephen Napolitano failed to provide § 87(2)(b) with a business card.	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]
§ 87(4-b), § 87(2)(g)	[REDACTED]	[REDACTED]

Case Summary

On May 14, 2019, Special Investigator Toscano of the NYC Department of Investigation reported this incident to IAB on behalf of § 87(2)(b) under IAB Log #2019-19103. On May 21, 2019, this complaint was received by the CCRB.

On November 27, 2018, at approximately 5:18 p.m., officers under the supervision of Sgt. Daniel Quinn of Narcotics Borough Staten Island stopped the vehicle in which § 87(2)(b) was an occupant (**Allegation A: Abuse of Authority, § 87(2)(g)**). Detective Stephen Napolitano of Narcotics Borough Staten Island allegedly questioned § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**). Detective Mathew Reich of Narcotics Borough Staten Island allegedly frisked and searched § 87(2)(b) as well as the vehicle in which he was an occupant (**Allegations C-E: Abuse of Authority, § 87(2)(g)**). Det. Reich and Det. Napolitano allegedly failed to provide § 87(2)(b) with business cards (**Allegations F and G: Abuse of Authority, § 87(2)(g)**).

§ 87(4-b), § 87(2)(g)

This case does not contain video evidence.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Daniel Quinn stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Detective Stephen Napolitano questioned § 87(2)(b).

Allegation (C) Abuse of Authority: Detective Mathew Reich searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Abuse of Authority: Detective Mathew Reich frisked § 87(2)(b).

Allegation (E) Abuse of Authority: Detective Mathew Reich searched § 87(2)(b).

Allegation (F) Abuse of Authority: Detective Mathew Reich failed to provide § 87(2)(b) with a business card.

Allegation (G) Abuse of Authority: Detective Stephen Napolitano failed to provide § 87(2)(b) with a business card.

In his sworn statement, provided May 30, 2019, § 87(2)(b) alleged that at approximately 6:00 p.m. on November 27, 2018, he was pulled over § 87(2)(b) in Staten Island by three officers (Board Review 02). § 87(2)(b) recognized one of the officers, Det. Reich, from previous interactions. § 87(2)(b) provided physical descriptions of the other two officers which roughly correspond to those of Sgt. Quinn and Det. Napolitano, and further stated that the officer whose description matches Sgt. Quinn appeared to be a sergeant (Board Reviews 02, 14-16). § 87(2)(b) alleged that, without asking any questions, requesting his license or insurance, or explaining the reason for the stop, Det. Reich directed § 87(2)(b) to exit the vehicle. Det. Reich then searched the vehicle while an officer identified as Det. Napolitano asked § 87(2)(b) questions about whether he had anything on his person, anything in his vehicle, or anything the officers should know about. Det. Reich then frisked § 87(2)(b) and searched his pockets. At the conclusion of the stop, the officers released § 87(2)(b) without issuing a summons or providing any additional documentation.

§ 87(2)(g)

In their CCRB testimony, provided between September 6, 2019 and September 10, 2019, Det. Reich, Sgt. Quinn, and Det. Napolitano, who were partnered together on the date of incident, all denied having any recollection of this stop (Board Reviews 06-08). All three officers indicated that they carried business cards on the date of incident and that they would have issued them during this incident.

Warrant audit results obtained from IAB indicate that at 5:18 p.m. on November 27, 2018, Sgt. Quinn conducted a check to determine whether § 87(2)(b) had any open warrants using his departmental phone (Board Review 03).

Officers assigned to Narcotics Borough Staten Island were not equipped with body-worn cameras on the date of incident, and the investigation was unable to otherwise obtain video footage depicting the stop.

Per People v. Robinson, 97 N.Y.2d 341, 741 N.Y.S.2d 147, 767 N.E.2d 638 (2001), vehicle stops are permissible under New York State law where a police officer can “articulate credible facts” establishing reasonable cause that the driver of an automobile has committed a traffic violation. Neither the motivation of the officer nor a determination of what a reasonable traffic officer would have done under the circumstances is relevant to the propriety of the stop (Board Review 17).

Per Patrol Guide Procedure 212-11, frisks are authorized when a member of service has a “particularized and objective basis” to reasonably suspect that a civilian is armed and dangerous. A search may be conducted after a frisk to remove any object that the member of service reasonably suspects is a weapon or dangerous instrument (Board Review 18).

In People v. Garcia, 2012 NY Slip Op 8670, 20 N.Y.3d 317, 959 N.Y.S.2d 464, 983 N.E.2d 259, the Court of Appeals of New York held that a police officer may not ask a stopped motorist “pointed questions... that would lead the person approached reasonably to believe that he or she is suspected of some wrongdoing” absent a “founded suspicion that criminal activity is afoot” (Board Review 19).

New York City Administrative Code §14-174 requires officers to offer civilians business cards following any interaction involving the search of a person or a person’s property, including vehicles, that does not result in an arrest or summons, as well as noncustodial questioning of individuals suspected of criminal activity (Board Review 20).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

§ 87(2)(b)

- [REDACTED]
- Det. Reich has been a member of service for 16 years. In that time, he has been the subject of 92 allegations in 29 other cases. One of these cases, CCRB 201905807, is currently under investigation.
- In CCRB 200503310, Det. Reich was the subject of substantiated allegations regarding a question and/or stop as well as a refusal to provide name/shield number. The CCRB recommended departmental charges, while Det. Reich received instructions from the NYPD.
 - In CCRB 200703478, Det. Reich was the subject of an unsubstantiated allegation of the search of a person.
 - In CCRB 200802972, Det. Reich was the subject of an unsubstantiated vehicle search allegation.
 - In CCRB 200902128, Det. Reich was the subject of two unsubstantiated vehicle search allegations.
 - In CCRB 201205844, Det. Reich was the subject of a vehicle search allegation and an allegation regarding the search of a person, both of which were unsubstantiated.
 - In CCRB 201305607, Det. Reich was the subject of a substantiated frisk allegation. Det. Reich received formalized training, which was consistent with the CCRB's recommendation.
 - In CCRB 201309784, Det. Reich was the subject of unsubstantiated allegations regarding the search of a person and a vehicle search.
 - In CCRB 201409178, Det. Reich was the subject of a substantiated physical

force allegation. Det. Reich was found not guilty at an APU trial.

- In CCRB 201410419 Det. Reich was the subject of unsubstantiated allegations regarding a frisk, search of a person, and a vehicle search. Det. Reich was also the subject of a substantiated vehicle stop allegation. The CCRB recommended charges; however, Det. Reich was found not guilty at an APU trial.
 - In CCRB 201412022 Det. Reich was the subject of unsubstantiated allegations regarding the search of a person, and a vehicle search.
 - In CCRB 201501303, Det. Reich was the subject of a substantiated refusal to obtain medical treatment allegation. Det. Reich received Command Discipline A, which was consistent with the CCRB's recommendation.
 - In CCRB 201600158, Det. Reich was the subject of an unsubstantiated vehicle search allegation.
 - In CCRB 201600455, Det. Reich was the subject of a substantiated vehicle stop allegation. The CCRB recommended Command Discipline B, while the NYPD imposed formalized training.
- Sgt. Quinn has been a member of service for 13 years. In that time, he has been the subject of two allegations in one prior case, none of which were substantiated § 87(2)(g)
- Det. Napolitano has been a member of service for 10 years. In that time, he has been the subject of three allegations in two additional cases, none of which were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation (Board Review 02).
- § 87(2)(b)
- A FOIL request to determine whether § 87(2)(b) filed a Notice of Claim regarding this incident was submitted on November 1, 2019 and is currently pending.

Squad No.: _____

Investigator:

Signature

Print Title & Name

Date

Squad Leader:

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date